IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

WESLEY DEAN HESTER,

      Plaintiff,

v.   Case No. 2:23-cv-00516 DHU-LF

LEA COUNTY CORRECTIONAL FACILITY
(GEO GROUP) STAFF; NEW MEXICO
CORRECTIONS DEPARTMENT; WEXFORD
HEALTH SERVICES AND STAFF THEREOF,

      Defendants.

**RULE 56(F) NOTICE AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition

("PFRD") on August 25, 2025. Doc. 134. The PFRD notified the parties of their ability to file

objections within fourteen days, and that failure to do so waived appellate review. *Id*. at 30. On

September 5, 2025, the Wexford Defendants filed a response to the Magistrate Judge's PFRD.

Doc. 136. This response requested that the Court adopt the PFRD and contained argument in

support of the PFRD's recommendation as pertaining to Federal Rule of Civil Procedure 56(f).

See generally id. The Court does not construe this response as an objection. Accordingly, to date,

the parties have not filed any objections and have waived appellate review.

IT IS THEREFORE ORDERED AS FOLLOWS:

I.   The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc.
134) are ADOPTED and the Wexford Defendants' Motion for Summary Judgment
is GRANTED IN PART as outlined in the PFRD;

II.   **The Court hereby provides notice under Federal Rule of Civil Procedure 56(f)
that it believes that Mr. Hester has no evidence to support his Eighth
Amendment claim against the Wexford Defendants regarding his placement in**

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the COVID quarantine pod. **The Court also provides notice under Federal Rule of Civil Procedure 56(f) that it believes Mr. Hester has no evidence to support his Fourteenth Amendment claim against the Wexford Defendants regarding access to his medical file. If the parties do not provide evidence in support of these claims within 30 days of the entry of this Order, the Court will grant summary judgment on these claims.**

HONORABLE DAVID H. URIAS
UNITED STATES DISTRICT JUDGE